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| 09/940,783  | 08/28/2001  | Brian J. Petryna     | PETRYNA 8                            | 3916                        |
| 27964   | 7590        | 09/12/2007           |                                      |                             |
| HITT GAINES P.C.<br>P.O. BOX 832570<br>RICHARDSON, TX 75083 |             |                      | EXAMINER<br>LEE, ANDREW CHUNG CHEUNG |                             |
|   |             |                      | ART UNIT<br>2616                     | PAPER NUMBER                |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@hittgaines.com

## Office Action Summary

Application No.

09/940,783

Applicant(s)

PETRYNA, BRIAN J.

Examiner

Andrew C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Claims 1 – 21 are pending.
2. Using reference Shaffer et al. (6226375 B1) for 35 U.S.C. 102(e) rejections maintains.
3. Using references Scott et al. (US 6760324 B1) in view of Shaffer et al. (6226375 B1) for 35 U.S.C. 103(a) rejections also maintains.
4. Using new reference Blair (US 7110395 B1) in combination with Scott et al. (US 6760324 B1) for 35 U.S.C. 103(a) rejections is applied.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 8, 15, 2, 9, 16, 7, 14, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaffer et al. (6226375 B1).

Regarding claims 1, 8, 15, Shaffer et al. disclose the limitation of a system, method, computer for automatically initiating a telephone call over a computer network (Fig. 3, Fig 4, "the central processing unit may direct the dialing circuitry to dial a new

number" correlates to automatically initiating a telephone call over a computer network; column 5, lines 5 – 22), comprising: an address interceptor (Fig. 3, element 80 Caller\_ID processor correlates to an address interceptor), associated with a station of a circuit-switched telephone network, that receives calling number identification signals from said circuit-switched telephone network via a first telephone call (Fig. 4, "the calling station initiates a call by placing the telephone line in the off-hook condition and dialing a telephone number" correlates to associated with a station of a circuit-switched telephone network, that receives calling number identification signals from said circuit-switched telephone network via a first telephone call; column 5, lines 26 – 46) and extracts therefrom a destination address for a subsequent telephone call (Fig. 4, elements 112 and 116; "if so, the calling system's memories are updated and processing return to step 100 to dial the new number" correlates to extracts therefrom a destination address for a subsequent telephone call; column 5, lines 37 – 52); a network call initiator (correlates to dialing circuitry, Fig. 3, element 78), coupled to said address interceptor (correlates to Caller\_ID processor, Fig. 3, element 80) and associated with a computer network terminal ( Fig. 3, element 90) that employs said destination address to automatically initiate said subsequent telephone call to said destination address via said computer network terminal (Fig. 4, column 5, lines 26 – 52).

Regarding claims 2, 9, 16, Shaffer et al. disclose the limitation of a system, method, computer as recited in claimed wherein said calling number identification

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signals and said destination address are associated with a single location ("the telephone number of the desired receiving station has been changed" correlates to destination address are associated with a single location; column 5, lines 37 – 46).

Regarding claims 7, 14, 21, Shaffer et al. disclose the limitation of a system, method, computer as recited in claimed wherein said station and said computer network terminal are embodied in a computer (Fig. 3, elements 90, 92) and wherein a single telephone line alternatively couples said station to said circuit-switched telephone network (Fig. 3, elements 72,74; column 5, lines 1 – 10) and said computer network terminal to said computer network (Fig. 3, elements 90, 92; column 5, lines 1 – 10).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. (US 6760324 B1) in view of Shaffer et al. (6226375 B1).

Regarding claims 1, 8, 15, Scott et al. disclose the limitation of a system, method, computer for automatically initiating a telephone call over a computer network ("allows traffic originating on a circuit-switched network to be carried over a packet-switched

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network" correlates to initiating a telephone call over a computer network; column 6, lines 24 – 29, Abstract, lines 1 – 6; Fig. 2, elements 202, 205, 207, 210, 215, 220, 205, 291), comprising: an address interceptor, associated with a station of a circuit-switched telephone network ("Gateway server performing bridging of calls between the traditional telecommunication network and IP network, and to translate numbers and routing those numbers to the correct destination gateway" correlates to an address interceptor, associated with a station of a circuit-switched telephone network; Fig. 2, elements 220, 210, gateway server, column 8, lines 37 – 55; element 291, 292 "an ordinary telephone coupling to PSTN"; element 205, "PSTN"; column 11, lines 45 – 55), that receives calling number identification signals from said circuit-switched telephone network via a first telephone call ("ANI information or caller ID information" correlates to receives calling number identification signals from said circuit-switched telephone network via a first telephone call; column 53, lines 51 – 58, column 61, lines 1 – 8); and,

Scott et al. also disclose a network call initiator (interpreted as routing server), coupled to said address interceptor and associated with a computer network terminal that employs said destination address to automatically initiate said subsequent telephone call to said destination address via said computer network terminal ("all routes to be configured on the routing server, but automatically distributed to the appropriate gateways and can be also distribute E.164 translation data" correlates to associated with a computer network terminal that employs said destination address to automatically initiate said subsequent telephone call to said destination address via

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said computer network terminal; Fig. 3B, column 8, lines 60 – 64; element “routing server”; column 9, lines 1 – 12; column 59, lines 60 – 65; column 61, lines 41 – 45; lines 17 – 19; lines 25 – 55; column 70, lines 15 – 35).

Scott et al. do not disclose explicitly extracting therefrom a destination address for a subsequent telephone call.

Shaffer et al. disclose the limitation of extracting therefrom a destination address for a subsequent telephone call (Fig. 4, elements 112 and 116; “if so, the calling system’s memories are updated and processing return to step 100 to dial the new number” correlates to extracts therefrom a destination address for a subsequent telephone call; column 5, lines 37 – 52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Scott et al. to include an extracting therefrom a destination address for a subsequent telephone call such as that taught by Shaffer et al. in order to increase the speed and accuracy with which data are transmitted, as suggested by Shaffer et al, see column 1, lines 49 – 50.

Regarding claims 2, 9, 16, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said calling number identification signals and said destination address are associated with a single location (“caller ID information” correlates to said calling number identification signals, and “Destination Number type and Destination number Plan” correlates to destination address are associated with a single location; column 53, lines 51 – 58; column 61, lines 1 – 9).

Regarding claims 3, 10, 17, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said destination address is selected from the group consisting of: a telephone number (column 69, lines 37 – 41; column 70, lines 2 – 8), an Internet Protocol address (column 39, lines 16 – 17), a Voice over Internet Protocol (VoIP) gateway address (column 11, line 52; column 74, lines 3 – 5), and a VoIP gateway address combined with a telephone number (column 73, lines 41 – 56; lines 66 – 67; column 74, lines 1 – 5).

Regarding claims 4, 11, 18, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said computer network is the Internet (Fig. 1B, element 120; Fig. 2, element 215; column 1, lines 56 – 57).

Regarding claims 5, 12, 19, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said station leaves unanswered a call transmitting said calling number identification signals (column 53, lines 43 – 47; lines 51 – 58, elements Unanswered Rings, Caller ID information can be associated with each port of the MSI/SC).

Regarding claims 6, 13, 20, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said calling number identification signals are associated with a second station, said second station hanging up after a



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predetermined number of unanswered rings (column 50, lines 38 – 40, lines 43 – 46; “wait for maximum number of rings on the outbound call before it gives up, outbound call” correlates to the second station hanging up after a predetermined number of unanswered rings; column 53, lines 43 – 47).

Regarding claims 7, 14, 21, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said station and said computer network terminal are embodied in a computer (Fig. 2, elements 210, 220; column 6, lines 38 – 42) and wherein a single telephone line alternatively couples said station to said circuit-switched telephone network (Fig. 2, elements 201, 202, 205; column 6, lines 30 – 36) and said computer network terminal to said computer network (Fig. 2, elements 293, 215; column 4, lines 9 – 17, personal computers, to be on the same local area network (LAN) as long as they are connected via an IP network).

9. Claims 1 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. (US 6760324 B1) in view of Blair (US 7110395 B1).

Regarding claims 1, 8, 15, Scott et al. disclose the limitation of a system, method, computer for automatically initiating a telephone call over a computer network (“allows traffic originating on a circuit-switched network to be carried over a packet-switched network” correlates to initiating a telephone call over a computer network; column 6, lines 24 – 29, Abstract, lines 1 – 6; Fig. 2, elements 202, 205, 207, 210, 215, 220, 205,

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291), comprising: an address interceptor, associated with a station of a circuit-switched telephone network ("Gateway server performing bridging of calls between the traditional telecommunication network and IP network, and to translate numbers and routing those numbers to the correct destination gateway" correlates to an address interceptor, associated with a station of a circuit-switched telephone network; Fig. 2, elements 220, 210, gateway server, column 8, lines 37 – 55; element 291, 292 "an ordinary telephone coupling to PSTN"; element 205, "PSTN"; column 11, lines 45 – 55), that receives calling number identification signals from said circuit-switched telephone network via a first telephone call ("ANI information or caller ID information" correlates to receives calling number identification signals from said circuit-switched telephone network via a first telephone call; column 53, lines 51 – 58, column 61, lines 1 – 8); and,

Scott et al. also disclose a network call initiator (interpreted as routing server), coupled to said address interceptor and associated with a computer network terminal that employs said destination address to automatically initiate said subsequent telephone call to said destination address via said computer network terminal ("all routes to be configured on the routing server, but automatically distributed to the appropriate gateways and can be also distribute E.164 translation data" correlates to associated with a computer network terminal that employs said destination address to automatically initiate said subsequent telephone call to said destination address via said computer network terminal; Fig. 3B, column 8, lines 60 – 64; element "routing

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server”; column 9, lines 1 – 12; column 59, lines 60 – 65; column 61, lines 41 – 45; lines 17 – 19; lines 25 – 55; column 70, lines 15 – 35).

Scott et al. do not disclose explicitly extracting therefrom a destination address for a subsequent telephone call.

Blair discloses the limitation of extracting therefrom a destination address for a subsequent telephone call (Fig. 2, Abstract, lines 1 – 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Scott et al. to include an extracting therefrom a destination address for a subsequent telephone call as taught by Blair in order to provide voice over data network calling, more particularly to voice over data network calling that does not require an out of band communication to connect (as suggested by Blair, see column 1, lines 7 – 10).

Regarding claims 2, 9, 16, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said calling number identification signals and said destination address are associated with a single location (“caller ID information” correlates to said calling number identification signals, and “Destination Number type and Destination number Plan” correlates to destination address are associated with a single location; column 53, lines 51 – 58; column 61, lines 1 – 9).

Regarding claims 3, 10, 17, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said destination address is selected

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from the group consisting of: a telephone number (column 69, lines 37 – 41; column 70, lines 2 – 8), an Internet Protocol address (column 39, lines 16 – 17), a Voice over Internet Protocol (VoIP) gateway address (column 11, line 52; column 74, lines 3 – 5), and a VoIP gateway address combined with a telephone number (column 73, lines 41 – 56; lines 66 – 67; column 74, lines 1 – 5).

Regarding claims 4, 11, 18, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said computer network is the Internet (Fig. 1B, element 120; Fig. 2, element 215; column 1, lines 56 – 57).

Regarding claims 5, 12, 19, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said station leaves unanswered a call transmitting said calling number identification signals (column 53, lines 43 – 47; lines 51 – 58, elements Unanswered Rings, Caller ID information can be associated with each port of the MSI/SC).

Regarding claims 6, 13, 20, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said calling number identification signals are associated with a second station, said second station hanging up after a predetermined number of unanswered rings (column 50, lines 38 – 40, lines 43 – 46; “wait for maximum number of rings on the outbound call before it gives up, outbound

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call” correlates to the second station hanging up after a predetermined number of unanswered rings; column 53, lines 43 – 47).

Regarding claims 7, 14, 21, Scott et al. disclose the limitation of a system, method, computer as recited in claimed wherein said station and said computer network terminal are embodied in a computer (Fig. 2, elements 210, 220; column 6, lines 38 – 42) and wherein a single telephone line alternatively couples said station to said circuit-switched telephone network (Fig. 2, elements 201, 202, 205; column 6, lines 30 – 36) and said computer network terminal to said computer network (Fig. 2, elements 293, 215; column 4, lines 9 – 17, personal computers, to be on the same local area network (LAN) as long as they are connected via an IP network).

### ***Response to Arguments***

10. Applicant's arguments filed on 6/19/2007 with respect to claims 1 – 21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Petras et al. (US 6215784 B1) disclose a method and apparatus for call completion using information extracted from an active application on a

computing machine is described. Call initiation may be accomplished using a "warm-line" feature in which a default number is dialled after a predetermined time of an off-hook condition of a voiceterminal, if no digits are dialled after the voice terminal is taken off-hook. The number dialled is a number used to connect the telephone set to computer-Controlled Telephony Integration hardware (CTI).

- b) Takahara et al. (6078583) disclose a communication system and communication method adapted so that the user of one of the communication terminals can more easily communicate with another one connected to the internet through the public network.
- c) Oran (US 6275574 B1) discloses a dial string is received from a session application that interfaces with a packet-based or circuit-switched system such as VoIP, PSTN, PBX, etc. Regular expression match patterns are compared with the input dial string. The dial plan mapper identifies one of the match patterns providing a longest match with the dial string and outputs call configuration information associated with the identified match pattern.
- d) Mckinnon et al. (US 6175565 B1) disclose a serial telephone adapter for connection between a telephone and a personal computer to facilitate voice over computer-based networks such as the Internet.
- e) Vander Meiden (US 6553116 B1) disclose a telecommunications device able to automatically detect a pending change in an area code or numbering plan

area (NPA) during the period when either the new area code or the existing area code may be used to dial a particular number.

- f) Hakim et al. (US 20020167943) n Internet call connection method comprises the steps of (a) an Internet Telephony Server (ITS) receiving a dialed special services number of an originated call; (b) mapping the dialed special services number to a destination number and a Internet Protocol (IP) address of a terminating ITS that serves the destination number; and (c) routing the originated call from an originating ITS to a terminating ITS and to the destination number to complete the call.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan D. Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C. Lee/::<8/30/2007>

EDAN D. ORGAD  
SUPERVISORY PATENT EXAMINER

*Edan Orgad* 9/4/07